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C O N F I D E N T I A L SECTION 01 OF 03 NAIROBI 000281

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FOR S, D, P, G, R, DS, DRL, AND AF/AS FRAZER FROM THE
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TAGS: [PREL](#) [PGOV](#) [KDEM](#) [KE](#)

SUBJECT: KIBAKI-ODINGA TAKE FIRST STEP TOWARD DIALOGUE

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Classified By: Ambassador Ranneberger, reasons 1.4 (b,d)

[1](#)1. (C) Summary. A meeting between President Kibaki and Raila Odinga facilitated by Kofi Annan on January 24 sent a very positive message to the Kenyan people and will help end violence. The agenda and modalities for subsequent dialogue have not yet been worked out. The process of dialogue will be difficult. The U.S. played a crucial role in bringing the two leaders to the table. Achieving a constructive outcome will require continued intense U.S. engagement. End summary.

Kibaki-Odinga Meeting Sends Positive Message

[1](#)2. (SBU) During the late afternoon of January 24, President Kibaki and Raila Odinga met face-to-face for about one hour and fifteen minutes under the auspices of the AU eminent persons group headed by Kofi Annan. In order to side-step the issue of Odinga having to go to State House, the meeting took place in the parliamentary office building where the President has his office.

[1](#)3. (SBU) Annan, Kibaki, and Odinga emerged from the meeting smiling, and shook hands. The three then made positive public statements, which were covered live by television and radio. Annan said that the meeting represented the first step in working together to achieve peace and justice. He indicated that the two sides had agreed to certain common principles, such as a joint commitment to end violence and to pursue dialogue. Annan expressed concern about violence which has wracked Kenya. He referred to instances of use of excessive force by the police and said the government will carry out a thorough investigation. "We will work together during the coming weeks and months" in a process of dialogue and reconciliation, Annan said.

¶4. (SBU) Odinga said that he had "walked the extra mile to take the first vital step to resolve the electoral dispute." The goal, he emphasized, is to achieve peace and justice. He said he was grateful that "the AU mediation team had moved so quickly to facilitate negotiations." Odinga bemoaned the violence, saying many innocent people had died. "I pledge that I will spare no effort, and I ask everyone to uphold peace." The negotiations, Odinga said, should be completed as quickly as possible.

¶5. (SBU) Kibaki said, "I know everyone is deeply concerned about the violence that has occurred and the innocent loss of life." Kibaki said that after being sworn-in as "the duly elected" president, he pledged to "promote unity, tolerance, peace, and harmony." This includes, he said, "a commitment to dialogue and reconciliation." He welcomed the role of the AU eminent persons group "in facilitating dialogue within the legal and constitutional framework." Kibaki pledged "to get to the bottom of the causes of the current problems," and to foster "a process of healing and reconciliation." He emphasized the need to protect the lives and property of all Kenyans. "I appeal to all Kenyans to shun violence," he said, and added that "together we can overcome these problems." Kibaki emphasized that Kenyans have lived together peacefully since independence. He appealed for neighbors to help with the return to their homes of those who have been displaced. No Kenyan is a visitor or a guest in any area of this country, Kibaki stressed; anyone can live in any part of the country.

¶6. (C) We know from ODM sources that Odinga and his team feel they were in some respects "ambushed" at the meeting. First, since ODM was told that the meeting was one-on-one, Odinga

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brought only pentagon member Ruto and spokesperson Salim Lone with him. Kibaki, on the other hand, showed up with half a dozen key ministers. As a result, the public press event appeared weighted towards the government side. In addition, after Odinga spoke using a microphone, Kibaki's people insisted on moving the presidential podium in front of Kibaki (even though Kibaki could be heard saying "what the hell, I'll just do it from the microphone"). Second, the ODM feels that Kibaki's statement on being "duly elected" did violate the understanding the two sides had with Annan that public remarks would be brief and conciliatory. Odinga's team later in the evening gave a press conference at which they criticized Kibaki for his reference to being "duly elected."

¶7. (C) Members of the ODM leadership unhappy about having been "ambushed" met last night with Annan to make clear their unhappiness and to insist that the "rules of engagement" for future meetings be clearly spelled out. Annan, according to ODM sources, agreed that Kibaki had gone too far in his remarks, made clear that he is not happy about that, and said he would insist on clearer ground rules for subsequent discussions.

Next Steps

¶8. (C) Initial readouts from both sides, and contacts close to Annan, indicate that meeting resulted on agreement on some very general principles. The meeting was not intended to address the major substantive issues. The general principles include: commitment to dialogue within the framework of the constitution, joint efforts to end violence, and the need for national reconciliation.

¶9. (SBU) The agenda, timing, and modalities for follow-up discussions remain to be worked out. Annan has made clear he will continue to work with both sides to achieve results. We understand that he will rely on UN and AU support to put together a team to assist him.

¶10. (C) Minister of Security Saitoti told me that the meeting "created the enabling environment" for dialogue. He urged the U.S. to encourage rapid follow-up. He confirmed that there is not yet agreement on specific next steps.

¶11. (C) Prior to the 3-way meeting, I met with Annan, Mkapu, and Machel to emphasize U.S. support for their efforts and to discuss the way forward. Annan said that he did not expect much substantive discussion at the meeting. "The meeting is the message," he stated. I shared the non-paper on the way forward with him, indicating that I had also shared it with Kibaki and Odinga. I encouraged him to use it as he deemed appropriate.

Museveni Distraction

¶12. (SBU) A quick visit by Ugandan President Museveni to Kenya threatened to complicate the eminent persons, efforts but, in the end, did not. In what appeared to be an effort closely coordinated with the Kenyan government, Museveni came armed with his own proposals to establish a special judicial commission to review the electoral results. This approach reflects Kibaki's emphasis on the need for Odinga to pursue judicial recourse in disputing the election. Clearly unhappy about Museveni's intervention, Annan dismissed it. He made clear there can be only one mediating effort, and that is his eminent person's group. He pointed out that his effort has united international support from the UN, AU, EU, and U.S.

Comment

¶13. (C) The meeting sent a very positive signal to the Kenyan people that their leaders are finally engaging in dialogue, and this will have a major impact in dampening violence.

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Having stared into the abyss, Kenyans are breathing an almost audible sigh of relief that their leaders have pulled back. They, and we, realize, however, that the meeting is just a first step down what will be a difficult path of dialogue, one with no assurance of reaching its goal of a solution reflecting the will of the Kenyan people. The image of hardliners on both sides standing with their principals (for example, Minister of Justice Martha Karua with Kibaki, and William Ruto with Odinga) also sent a positive message. However, we know from both camps that both Kibaki and Odinga had to work to overcome reticence of hardliners about having a meeting.

¶14. (C) U.S. pressure on both sides was instrumental in getting Kibaki and Odinga to this meeting. The eminent persons group provided the face-saving way to achieve it. Intensive U.S. engagement will be needed with both sides, and in support of the eminent persons, to move the dialogue process forward.

¶15. (SBU) The Kenyan people also deserve enormous credit for what has happened. Through civil society, religious groups, the business community, and the media, the Kenyan people delivered a clear message to both leaders that enough is enough, and that dialogue is needed to end violence and resolve the crisis. That voice of the Kenyan people reflects underlying strengths of this country that I have discussed in reftels. The unique U.S. credibility with the Kenyan people, and with both sides, is evident in getting the two leaders to meet. We are widely credited with a major role in bringing that about. Kenyans -- and their leaders -- will continue to look to us to help promote a constructive outcome to the process of dialogue.
RANNEBERGER